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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,039	02/06/2004	Mitchell B. Mikula	5760-20400/VRTS-0361	7737
35690 7590 04/19/2007 MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C. P.O. BOX 398 AUSTIN, TX 78767-0398			EXAMINER NGUYEN, LE V	
			ART UNIT 2174	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	
3 MONTHS			04/19/2007	
			DELIVERY MODE PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/774,039	Applicant(s) MIKULA, MITCHELL B.	
	Examiner Le Nguyen	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/4/04, 5/12/06 and 2/5/07</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claim 32 citing "...backup being restored to." has been renumbered 37.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Reuter et al. ("Reuter").

As per claim 28, Reuter teaches a computer accessible medium comprising a plurality of instructions which, when executed, present a graphical view of a first configuration comprising a first one or more volumes mapped to a first one or more storage devices (figs. 8, 11, 18 and 19; *provided are multiple views of, for example,*

system "fuweba" comprising multiple storage devices such as "examp" further comprising a first volume such as "x"), present a graphical view of a second configuration comprising a second one or more volumes to a second one or more storage devices (depicted in fig. 8 is a second volume such as "y" or "z" of the first storage device wherein the wizard allows additional volumes for a second storage device to be created; paragraph [0102]) and provide a mechanism to capture data representing at least a first volume from the first configuration and insert the data in the second configuration (paragraph [0118]).

As per claim 29, Reuter teaches a computer accessible medium comprising a plurality or instructions wherein the mechanism comprises a drag and drop mechanism (paragraph [0118]).

As per claim 30, Reuter teaches a computer accessible medium comprising a plurality or instructions wherein the mechanism comprises a copy and paste mechanism (paragraph [0118]; *wherein cut and paste is essentially copy and paste without the deleting*).

As per claim 31, Reuter teaches a computer accessible medium comprising a plurality or instructions wherein the mechanism comprises a wizard configured to guide a user through a set of steps to capture and insert (figs. 8-15 and 21; paragraph [0118]; *depicted and described are examples of a wizard guiding users through steps in the management of a virtual disk/volume*).

As per claim 32, Reuter teaches a computer accessible medium comprising a plurality or instructions wherein the plurality of instructions, when executed, provide a

mechanism to modify one or more attributes of the first volume (figs. 9 and 11; *users provide/modify attributes, which include name, capacity, etc.*).

As per claim 33, Reuter teaches a computer accessible medium comprising a plurality of instructions wherein the first configuration is a current configuration of a computer system (*e.g. fig. 19*), and wherein the second configuration is a new configuration to be applied to the computer system (*modification for a new configuration via steps depicted in figs. 8-15*).

As per claim 34, Reuter teaches a computer accessible medium comprising a plurality of instructions wherein the second configuration is a proposed configuration being developed by a user and wherein modifications to the second configuration are displayed in the graphical view but are not implemented on a target computer system until the user commits the modifications (*fig. 14; implemented upon selection of "Finish" button*).

As per claim 35, Reuter teaches a computer accessible medium comprising a plurality of instructions wherein the plurality of instructions, when executed, provide an automatic mapping of from the first configuration to the second configuration (paragraph [0104]; *e.g. mirroring*).

As per claim 36, Reuter teaches a computer accessible medium comprising a plurality of instructions wherein the plurality of instructions, when executed, further provide a mapping from the first configuration to the second configuration, including attempting to optimize one or more user-selected properties (paragraph [0104]; *wherein striping RAID level optimizes disk space usage*).

As per claim 37, Reuter teaches a computer accessible medium comprising a plurality of instructions wherein the first configuration corresponds to a backed-up computer system and the second configuration corresponds to a computer system that the backup is being restored to (paragraph [0104]; *e.g. upon mirroring, a backed-up computer system is provided wherein when a bad disk is detected, RAID moves over to the mirrored partition and inherently provides a restores function upon insertion of a new disk in response to the detection*).

Claims 1, 16 and 23 are individually similar in scope to claim 28 and are therefore rejected under similar rationale.

Claims 2 and 17 are individually similar in scope to claim 29 and are therefore rejected under similar rationale.

Claim 3 is similar in scope to claim 30 and is therefore rejected under similar rationale.

Claims 4, 5 and 6, in combination, are similar in scope to the combination of claims 31 and 32 and are therefore rejected under similar rationale.

As per claim 7, Reuter teaches a computer accessible medium wherein the first plurality of computer system resources comprises a first layout of one or more volumes on one or more storage devices (*fig. 19 is similar to applicant's fig. 4, wherein both diagrams convey the same information content and are therefore equivalent*), and wherein the second plurality of computer system resources comprises a second layout of one or more volumes on one or more storage devices (*figs. 8-15; steps to create a second layout*).

As per claim 8, Reuter teaches a computer accessible medium wherein the mechanism captures data representing a first volume from the first layout and inserts the data in the second layout (paragraph [0118]).

As per claim 9, Reuter teaches a computer accessible medium wherein the mechanism permits modification of one or more attributes of the first volume (figs. 9 and 11; *users provide/modify attributes, which include name, capacity, etc.*).

As per claim 10, Reuter teaches a computer accessible medium wherein the first computer system configuration corresponds to a backed-up computer system and the second computer system configuration corresponds to a computer system that the backup is being restored to (paragraph [0104]; *e.g. upon mirroring, a backed-up computer system is provided wherein when a bad disk is detected, RAID moves over to the mirrored partition and inherently provides a restores function upon insertion of a new disk in response to the detection*).

As per claim 11, Reuter teaches a computer accessible medium wherein the first computer system configuration is a current configuration of a computer system (*e.g. fig. 19*), and wherein the second computer system configuration is a new configuration to be applied to the computer system (*modification for a new configuration via steps depicted in figs. 8-15*).

Claims 12, 20 and 27 are individually similar in scope to claim 34 and are therefore rejected under similar rationale.

As per claim 13, Reuter teaches a computer accessible medium wherein the first computer system configuration is a default configuration and the second computer

system configuration is developed by a user (paragraph [0104]; *wherein a default configuration, for example, is a parity RAID and mirrored write-back cache and wherein the other RAID levels are user defined options*).

Claims 14 and 21 individually are similar in scope to claim 35 and are therefore rejected under similar rationale.

Claims 15 and 22 are individually similar in scope to claim 36 and are therefore rejected under similar rationale.

Claim 18 is similar in scope to claim 31 and is therefore rejected under similar rationale.

Claims 19 and 26 are individually similar in scope to claim 32 and are therefore rejected under similar rationale.

As per claim 24, Reuter teaches a computer accessible medium wherein the first computer system configuration and the second computer system configuration are configurations of the computer system (figs. 19 and 8).

As per claim 25, Reuter teaches a computer accessible medium wherein the first computer system configuration and the second computer system configuration are configurations of a target computer system to which the computer system is coupled during use (fig. 1; paragraph [0030]).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ofer et al. (US 5,890,204) teach a user controlled storage configuration using GUI.

Zahavi (US 6,820,035) teaches a system and method for determining workload characteristics for one or more applications operating in a data storage environment.

Frazier (US 6,078,990) teaches volume set configuration using a single operational view.

de Jong et al. (US 7,107,534 B1) teach a storage area network administration.

Beyrouti (US 2004/0091175 A1) teaches image processing.

Taylor et al. (US 6,654,830 B1) teach a method and system for managing data migration for a storage system.

Burton et al. (US 2003/0074527 A1) teach a method, system and program for determining a configuration of a logical array including a plurality of storage devices.

Chu et al. (US 6,346,954 B1) teach a UI for configuring and managing a multi-drive data storage system.

Inquires

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê Nguyen whose telephone number is (571) 272-4068. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached at (571) 272-4063.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lvn
Patent Examiner
February 19, 2007

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